Mr. Siddalingappa Setty.—

With reference to answer to part (i) to the effect that it is not possible for the Government to give a list of representations received for water wells from time to time or pending disposal, who else can give the required information when the Government are unable to give it ?

Second Member of Council.—

It is impossible to furnish the information as to the number of petitions that were received during so many years.

Mr. Siddalingappa Setty.—

Cannot the officers of Government who tour round such parts furnish the information?

Second Member of Council.—

If you ask for information in regard to a particular well, then it may be possible for us to give it.

MR. ANJANEYA SETTY, (Pavagada Taluk).—

Q.—16. Will the Government be pleased to state—

(*a*) The number of regular appeals and revision cases on the file of Government for the past three years?

(*b*) How many of these cases were disposed of after hearing the arguments of both the parties ?

(*c*) How many were disposed of *ex-parte* ?

(*d*) Whether or not the regular cases are disposed of after issuing notices to both the parties and what is the rule ?

SECRETARY TO GOVERNMENT, GENERAL DEPARTMENT.—

A.—16. (*a*) 1925-26 130
1926-27 155
1927-28 186
(*b*) 1925-26 22
1926-27 7
1927-28 41
(*c*) 1925-26 108
1926-27 148
1927-28 145

(*d*) Rule 14 of Council Rules runs as follows:—

"14. (1) No appeal shall be entertained unless it satisfies the requirements of Section 210 of the Land Revenue Code and involves a real and not merely a colourable point of law or usage having the force of law.

Revenue Appeals and revision applications.

(2) No revision application under Section 217, Land Revenue Code, shall be entertained unless the applicant can show flagrant irregularity or injustice.

(3) The Member of Council in charge of the Revenue Department may reject an appeal or revision application. If it is proposed to reverse the order appealed against, the case shall be heard and decided by two members, due notice of the hearing being given to the parties affected."

Supplementary Questions and Answers.

Mr. D. S. Mallappa.—

It is said in the reply that out of 155 regular appeals and revision cases on the file of Government, only 7 were disposed of after hearing the arguments of both the parties and that the balance of 148 cases were disposed of ex-parte. What is the reason for a large number of cases being disposed of ex-parte ?

Second Member of Council.—

There were no points involved.

Mr. D. S. Mallappa.—

Who will have to settle that ?

Second Member of Council.—

The Member in charge.

Mr. D. S. Mallappa.—

Will not "ex-parte" suggest also the meaning that the parties were absent and hence their cases were disposed of as such ? And are notices requiring the parties to attend issued ?

Second Member of Council.—

If there is anything requiring elucidation then notices are issued.

Mr. H. C. Dasappa.—

Cannot the party presenting a petition be heard before it is rejected ? Cannot the Government allow an admission stage, as is done in the Chief Court ?

Second Member of Council.—

That is done in many cases where applications are presented by the parties personally. But, very often, they send applications by post and they are rejected.

Mr. H. C. Dasappa.—

What I ask is that when you reject a petition, at least notices might have been issued to the parties. That is not being done at present.

Second Member of Council.—

Many petitions are received against orders on which there can be no appeal at all. In such cases, where is the necessity to hear the petitioners ? Simply because a man sends an application by post, are we to take cognisance of it ? In the Chief Court, they do not admit petitions if they are not presented in person either by the party or by the pleader on his behalf.

Mr. H. C. Dasappa.—

If it is contrary to law or usage having the force of law, then reject it; but, give him an opportunity to be heard.

Second Member of Council.—

We are quite prepared to give him a hearing provided that he presents the petition in person. On the other hand, if he sends it by post, it is very inconvenient to issue notices, send for the men, and so on.

Mr. B. Narasinga Rao.—

Even when petitions are received by post, why not issue notice to the parties asking them to show cause why their appeals should not be rejected?

Second Member of Council —

No doubt it can be done. But, Government is the highest authority in such matters. Anyhow, we will consider that point.